

UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION

MULTIVEN, INC., a Delaware corporation

Plaintiff,

v.

CISCO SYSTEMS, INC., a California
corporation

Defendant.

CISCO SYSTEMS, INC., a California
corporation, and CISCO TECHNOLOGY,
INC., a California corporation

Counterclaimants,

v.

MULTIVEN, INC., a Delaware corporation,
PINGSTA, INC., a Delaware corporation, and
PETER ALFRED-ADEKEYE, an individual

Counterdefendants.

Case No. 5:08-cv-05391 JW (HRL)

STIPULATION OF VOLUNTARY
DISMISSAL WITH PREJUDICE OF
CLAIMS AGAINST
COUNTERDEFENDANTS AND
[PROPOSED] ORDER

[Fed. R. Civ. P. 41(a)(1)(A)(ii) and
Fed. R. Civ. P. 41(c)]

1 WHEREAS, Defendant and Counterclaimant Cisco Systems, Inc. and Counterclaimant Cisco
2 Technology, Inc. (collectively "Cisco") wish to dismiss their claims against Counterdefendants
3 Multiven, Inc., Pingsta, Inc., and Peter Alfred-Adekeye (collectively "Counterdefendants");

4 WHEREAS, Cisco has expressly authorized Counterdefendants to file this stipulation of
5 voluntary dismissal of claims against Counterdefendants if all conditions to the parties' executed
6 settlement agreement have been satisfied;

7 WHEREAS, the filer represents that all necessary conditions under the parties' executed
8 settlement agreement have been satisfied;

9 NOW THEREFORE, it is hereby stipulated by the undersigned counsel on behalf of the
10 parties identified below that:

11 1. Defendant and Counterclaimant Cisco Systems, Inc. and Counterclaimant Cisco
12 Technology, Inc. dismiss all of their counterclaims in the above-captioned action against
13 Counterdefendants Multiven, Inc., Pingsta, Inc., and Peter Alfred-Adekeye with prejudice pursuant
14 to Federal Rule of Civil Procedure 41(a)(1)(A)(ii) and 41(c) and the terms of the parties' settlement
15 agreement attached as Exhibit A to the proposed order filed concurrently herewith.

16 2. The parties hereby request that the Court continue to retain jurisdiction over this
17 matter for the purpose of enforcing the terms of the settlement agreement, including the retention of
18 the power to enjoin any action brought in violation of the settlement agreement.

19 3. The parties will pay their own fees and costs.

20
21 Dated: July 27, 2010

Respectfully submitted,

22 ROPERS, MAJESKI, KOHN & BENTLEY
23 515 S. Flower Street, Suite 1100
24 Los Angeles, CA 90071

25 By /s/ Thomas M. O'Leary
26 THOMAS M. O'LEARY
27 Attorneys for Counterdefendants
28 MULTIVEN, INC., PINGSTA, INC. and
PETER ALFRED-ADEKEYE

1 Dated: July 27, 2010

Respectfully submitted,

WINSTON & STRAWN LLP
101 California Street
San Francisco, CA 94111-5802

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4 By /s/ Patrick M. Ryan
PATRICK M. RYAN
Attorneys for Defendant and Counterclaimant
CISCO SYSTEMS, INC. and Counterclaimant
CISCO TECHNOLOGY, INC.

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9 I, Thomas M. O'Leary, hereby attest, pursuant to N.D. Cal. General Order No. 45, that the
10 concurrence to the filing of this document has been obtained from each signatory hereto.

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12 /s/ Thomas M. O'Leary
THOMAS M. O'LEARY
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1 PURSUANT TO STIPULATION, IT IS HEREBY ORDERED:

2 1. The counterclaims of Defendant and Counterclaimant Cisco Systems, Inc., and
3 Counterclaimant Cisco Technologies, Inc., against Counterdefendants Multiven, Inc., Pingsta, Inc.,
4 and Peter Alfred-Adekeye are DISMISSED WITH PREJUDICE.

5 2. Each party shall bear their own fees and costs.

6 The Clerk shall close this file.

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9 Dated: July 28, 2010


JAMES WARE
United States District Judge